

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NORTHEASTERN UNIVERSITY, ET AL.

vs.

GOOGLE INC.

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CASE NO. 2:07-CV-486

ORDER

Pending before the court is Google Inc.'s ("Google") motion to compel 30(b)(6) deposition testimony from Jarg Corporation ("Jarg") and Northeastern University ("NEU") (collectively, "the plaintiffs") (Dkt. No. 47). The plaintiffs filed their complaint on November 6, 2007, alleging patent infringement. On September 9, 2008, Google served the plaintiffs with 30(b)(6) deposition notices, requesting the plaintiffs designate a person most knowledgeable to testify in response to three topics: (1) the basis and foundation for the allegations of patent infringement in the complaint; (2) the basis and foundation for the P.R. 3-1 Infringement Contentions and related documents forming any such basis; and (3) any Google technology tested by the plaintiffs for purposes of the current litigation. The plaintiffs objected to the notice on September 16, 2008. On September 23, 2008, and September 25, 2008, the plaintiffs offered Anthony Pirri and James Belanger, respectively—Mr. Pirri is the designated 30(b)(6) witness for NEU, and Mr. J. Belanger is the designated 30(b)(6) witness for Jarg. Google bases its motion on the perceived lack of preparation and/or refusal to answer questions by Messrs. Pirri and Belanger during the depositions. The plaintiffs object, asserting that many of the questions asked did not fall within the topics originally noticed; Google failed to even ask certain questions; and/or that its 30(b)(6) witnesses were otherwise prepared.

The court has read the motions and considered the record. The court grants the motion in part. NEU shall present a knowledgeable 30(b)(6) witness for deposition at a place and time mutually agreeable to both parties. Regarding NEU's 30(b)(6) witness, Google shall be limited to the three topics as listed above. Jarg shall also present a knowledgeable 30(b)(6) witness for deposition at a place and time mutually agreeable to both parties. Regarding Jarg's 30(b)(6) witness, Google shall be limited to topics (1) and (2) as listed above. Furthermore, with respect to both depositions, Google is allowed to ask questions regarding claim construction positions in light of the exchange of claim terms. The court declines to award costs and fees.

SIGNED this 26th day of June, 2009.


CHARLES EVERINGHAM IV
UNITED STATES MAGISTRATE JUDGE